

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

D-1 DIANE MARIE HATHAWAY,
Defendant.

Case:5:13-cr-20052
Judge: O'Meara, John Corbett
MJ: Michelson, Laurie J.
Filed: 01-18-2013 At 03:54 PM
INFO USA V DIANE MARIE HATHAWAY (RD
L)

VIOLATIONS:

18 U.S.C. § 1344: BANK FRAUD

INFORMATION

The United States Attorney Charges:

GENERAL ALLEGATIONS

At all times pertinent to this Information:

1. **ING Direct** ("ING") was a financial institution doing business in the Eastern District of Michigan and elsewhere, which had deposits insured by the Federal Deposit Insurance Corporation.
2. **DIANE MARIE HATHAWAY** was an owner of a home located at 5834 Lakeview Court, Grosse Pointe, Michigan ("Lakeview").
3. The mortgage on Lakeview was held by ING and **HATHAWAY** was one of the borrowers.
4. A "**Short Sale**" was a term used in the banking industry to describe the sale of real estate for less than the outstanding mortgage or lien on the property.

Short Sales often involved forgiveness of the residual debt after the sale based on the borrower's inability to pay.

5. A "**Hardship Letter**" was a document ING required **HATHAWAY** to submit in support of her application for Short Sale relief. The Hardship Letter was to include all true and accurate asset and income information. The information sought by ING through the Hardship Letter was material to its negotiation of and decision concerning the Short Sale. The statements and/or omissions in the Hardship Letter were also material to ING.

COUNT 1
(18 U.S.C. §1344 – BANK FRAUD)

D-1 DIANE MARIE HATHAWAY

6. The general allegations are included in this count.
7. In or about January 2010, through in or about November 2011, in the Eastern District of Michigan, Southern Division, **DIANE MARIE HATHAWAY** executed a scheme to defraud ING and to obtain money and funds owned by and under the control of ING by means of materially false and fraudulent pretenses and representations.
8. As part of this scheme, **DIANE MARIE HATHAWAY** did the following:
 - A. In or about January 2010, **HATHAWAY** began negotiating with ING for Short Sale approval on Lakeview. During these negotiations


HATHAWAY claimed she could no longer afford to pay the mortgage.

- B. Between January 2010 and November 2011, **HATHAWAY** transferred certain real property to others with the intent to conceal her ownership interest from ING.
- C. With intent to defraud and to influence ING's decision on her application for a Short Sale, **HATHAWAY** made false statements and also omitted information in the Hardship Letter in a manner designed to conceal assets from ING.
- D. On or about December 10, 2010, **HATHAWAY** submitted the Hardship Letter to ING wherein she failed to declare available funds as well as recent transfers of real estate out of her name and into the names of others.
- E. As **HATHAWAY** intended, after consideration of the false and fraudulent statements and omissions in the Hardship Letter as well as those made by **HATHAWAY** during the negotiation process, ING approved the Short Sale of Lakeview.

9. All in violation of Title 18, United States Code, Section 1344.

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Dated: January 18, 2013


United States District Court
Eastern District of Michigan

Criminal Case Cover

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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

| | |
|--|---|
| Companion Case Information | Companion Case Number: 12-cv-15103 |
| This may be a companion case based upon LCrR 57.10 (b)(4) ¹ : | Judge Assigned: Marianne O. Battani |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | AUSA's Initials:  |

Case Title: USA v. DIANE MARIE HATHAWAY

County where offense occurred : Wayne

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

___ Indictment/ X Information --- **no** prior complaint.
___ Indictment/ ___ Information --- based upon prior complaint [Case number:]
___ Indictment/ ___ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information


Superseding to Case No: _____ **Judge:** _____

☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

| <u>Defendant name</u> | <u>Charges</u> | <u>Prior Complaint (if applicable)</u> |
|-----------------------|----------------|--|
|-----------------------|----------------|--|

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

January 18, 2013
Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.